

PLANNING AND ORDERS COMMITTEE

Minutes of the meeting held on 3rd December, 2014

- PRESENT:** Councillor W.T. Hughes (Chair)
Councillor Ann Griffith (Vice-Chair)
- Councillors Lewis Davies, John Griffith , Ken Hughes, Vaughan Hughes, Victor Hughes, Richard Owain Jones, Nicola Roberts
- IN ATTENDANCE:** Development Control Manager (DFJ)
Planning Assistants
Legal Services Manager (RJ)
Committee Officer (ATH)
- APOLOGIES:** Councillors Jeff Evans, Raymond Jones.
- ALSO PRESENT:** Local Members: Councillors Trefor Lloyd Hughes (application 12.4), Aled Morris Jones (application 7.4), H. Eifion Jones (application 7.2), Ieuan Williams (application 12.5)

1 APOLOGIES

Apologies for absence were noted as listed above.

2 DECLARATION OF INTEREST

Declarations of interest were made as follows:

Councillor W.T. Hughes in respect of application 6.2
Councillor Victor Hughes in respect of application 7.5
Councillors Lewis Davies, Ann Griffith, John Griffith, Vaughan Hughes and Nicola Roberts in respect of applications 6.2 and 6.3 on account of the reference to wind turbines in the Plaid Cymru manifesto. The Members said that they would be keeping an open mind and would determine each application on its own merits.

3 MINUTES

The minutes of the previous meeting of the Planning and Orders Committee held on 5th November, 2014 were presented and confirmed as correct.

4 SITE VISIT

It was noted that site visits were held on the 19th November, 2015 in relation to the following applications:

- 40C233B/VAR – Application to vary condition (01) (The track hereby approved shall be retained for agricultural purpose only) from planning permission 40C233 to allow the track to be retained for the purpose of agriculture and vehicle movement for the operational requirements of Tyddyn Isaf Caravan Park only at The Owls, Dulas.
- 46C129B/FR – Full application for the placement of rock armour to the front of the existing gabion wall structure at Dinghy Park, Porth Castell, Ravenspoint Road, Trearddur Bay

5 PUBLIC SPEAKING

The Chair announced that there were public speakers with regard to applications 7.2 and 12.5

6 APPLICATIONS THAT WILL BE DEFERRED

6.1 34C553A – Outline application for residential development including extra care facility, highway and associated infrastructure at Ty'n Coed, Llangefni

It was resolved to defer consideration of the application in accordance with the Officer's recommendation for the reason given in the written report.

6.2 38C201A/EIA/RE - Full application for the erection of two 4.6MW wind turbines with a maximum hub height of up to 59m, rotor diameter of up to 71m, and a maximum upright vertical tip height of up to 92.5m together with a substation and control building, associated hard standings, a new access track connecting to the proposed turbines from the existing turbines, a temporary construction compound and turning area and other related infrastructure on land at Ysgellog, Rhosgoch

Having declared an interest in this application, Councillor W.T. Hughes withdrew from the meeting during the consideration thereof. Councillor Ann Griffith, Vice-Chair, took the Chair for the item.

It was resolved to visit the application site in accordance with the Officer's recommendation in order to gain an appreciation of the scale and context of the proposal.

6.3 41C125B/EIA/RE – Full application for the erection of three 800KW – 900KW wind turbines with a maximum hub height of up to 55m, rotor diameter of up to 52m and a maximum upright vertical tip height of up to 81m, the improvements to the existing access to the A5025 road together with the erection of 3 equipment housing cabinets on land at Bryn Eryr Uchaf, Menai Bridge

It was resolved to defer consideration of the application for the reason given in the written report.

7 APPLICATIONS ARISING

7.1 15C91D – Full application for the demolition of the existing garden room together with the erection of a swimming pool building in its place at Ty Canol, Malltraeth

The application has been called in by a Local Member for determination by the Planning and Orders Committee. At its meeting on 5th November, the Committee resolved to defer determination in order to receive a porosity test relating to the drainage, and to receive observations by the AONB Officer.

The Development Control Manager confirmed that the AONB Officer had not raised any objections to the proposal. Drainage matters can be addressed by conditions attached to the planning consent. The recommendation is to approve the application subject to the conditions listed and subject to the receipt of details prior to consent being issued. Should those not be forthcoming, or prove unacceptable to the Planning Authority then the application will be re-submitted to the Committee.

Councillor Vaughan Hughes proposed that the application be approved. His proposal was seconded by Councillor Richard Owain Jones.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report and as reported to the Committee.

7.2 21C40A – Full application for the erection of an agricultural shed to house livestock and a slurry pit on land at Penrhyn Gwyn, Llanddaniel

The application has been called in by a Local Member for determination by the Planning and Orders Committee. At its meeting on 3rd September, 2014, the Committee resolved that a site visit be undertaken and the site was visited on 17th September. At its meeting on 1st October, the Committee resolved to defer determination of the application following the receipt of the Environmental Health consultation response and additional objections. These were forwarded to the applicant to allow them to be considered before a decision is made. At its meeting on 5th November, the Committee resolved to again defer determination of the application to allow the applicant an opportunity to make comments.

Mr Rhys Davies addressed the Committee in opposition to the application on the basis of serious local concerns regarding the proposal. He said that the Officer's report recommends approval conditional upon screening and an odour management plan which mitigating measures it is considered will be too late once the proposal has been implemented given its close proximity to the nearest property of Penrhyn Gwyn. A noise and odour impact assessment should have been conducted prior to determining the application which is a guideline which other authorities in Wales follow when the proposed development is within 200m of the nearest property. In this case it will be sited within 100m of Penrhyn Gwyn. Planning guidelines state that buildings to house livestock or slurry pits can be erected without planning permission if they are sited more than 400m from the nearest dwelling, making it clear therefore that 400m is the benchmark in proposals such as this. The Environmental Health Officer comments to the effect that reasons should have been given for discounting other locations, and notes distance as an important mitigating factor saying that the greater the distance between the proposal and the nearest property then the less likelihood of complaints arising. The absence of national guidelines places officers in a difficult position, but notwithstanding, the Environmental Health Section response makes clear the possibility of problems occurring in future with little recourse to remedial action. In a similar case to this where a proposal was allowed at a similar distance to nearby properties, the Public Services Ombudsman found the authority concerned guilty of maladministration and in that case the problems persist for the applicant, local residents and the authority alike. The occupants of Penrhyn Gwyn do not oppose the principle of the development on another part of the land and have discussed that possibility with the applicant. They understood that the scheme would be amended but that has since been withdrawn. He asked the Committee to reject the application.

There were no questions to Mr Davies by the Committee's Members.

Councillor H. Eifion Jones, Local Member echoed the sentiments of Mr Rhys Davies and said that he believed that given the evidence, it would be unwise to allow the proposal.

The Development Control Manager reported that the key issues are the proposal's effects on landscape impact and residential amenities. The Officer is satisfied that the scheme as amended will help to alleviate noise and visual impacts thus making it acceptable. As there are no national guidelines, a balance has to be struck between the needs of the farming unit and residential amenities making it a difficult decision either way. He confirmed that there have been discussions regarding re-location but no proposal made to that end.

The Committee sought clarification of the location of the proposal relative to the nearest property and were shown the site plan. Councillor Vaughan Hughes said that in light of there being no national guidelines, evidence of the Ombudsman's intervention and the potential for adverse effects he thought that approval would be a risk. He proposed that the application be refused contrary to the Officer's recommendation. His proposal was seconded by Councillor Ann Griffith.

Councillor Ken Hughes pointed out that the scheme is on agricultural land and what the application proposes is part and parcel of living in the countryside. The buildings have to be near to the road for access purposes. He proposed that the application be approved and his proposal was seconded by Councillor Richard Owain Jones.

In the subsequent vote, Councillors Lewis Davies, John Griffith, Vaughan Hughes, Nicola Roberts, and Ann Griffith voted to refuse the application contrary to the Officer's recommendation due to the proposal's proximity to the nearest dwelling and the potential for noise and odour impact. Councillors Ken Hughes, Victor Hughes, Richard Owain Jones and W. T. Hughes voted to approve the application

It was resolved to refuse the application contrary to the Officer's recommendation due to its proximity to the nearest dwelling and the potential for noise and odour impact.

In accordance with the requirements of the Council's Constitution, the application will be automatically deferred to the next meeting to allow the Officers to respond to the reasons cited for refusing the application.

7.3 40C233B/VAR - Application to vary condition (01) (The track hereby approved shall be retained for agricultural purpose only) from planning permission 40C233 to allow the track to be retained for the purposes of agriculture and vehicle movement for the operational requirements of Tyddyn Isaf Caravan Park only at The Owls, Dulas

The application has been called in by a Local Member for determination by the Planning and Orders Committee. At its meeting held on 5th November, 2014 the Committee resolved to visit the application site, and the site visit was subsequently undertaken on 19th November.

The Planning Control Manager reported that the key issues relate to the acceptability of the proposal in terms of its impact upon the amenities of nearby residential occupiers, the visual impact upon the locality and designated AONB and highway safety. It is the Officer's view that the proposal will not create an unacceptable impact upon the amenity of the local residents that it should warrant a refusal since the track currently already allows unrestricted and unconditional use for any agricultural vehicle and the proposed additional use for the operational requirements of the Caravan Park would be on an occasional basis only. Given that the use of the track would be relatively intermittent and infrequent, it is not considered that the increase in use would have an adverse impact on the AONB or on the character of the locality that it should warrant refusal. The Highways Department has confirmed that the proposal is acceptable from a highways safety perspective. Therefore the recommendation is one of approval.

Councillor Victor Hughes was concerned that the existing track with its sharp turns is difficult to pass and would be especially so for caravans particularly as they would have to go by nearby properties. He raised the issue of compliance and suggested that it would be difficult to ensure and monitor adherence to conditions placed on the track's usage.

Councillor Richard Owain Jones said that having visited the site he was happy to propose that the application be approved. Councillor Kenneth Hughes seconded the proposal.

Councillor Victor Hughes proposed an amendment to the effect that use of the track for the operational requirements of the Tyddyn Isaf Caravan Park be restricted to 4 hours per day (either a.m. or p.m.) only. The amendment was seconded by Councillor Nicola Roberts.

Councillor Lewis Davies further proposed that the applicant be required to contact the Planning Department as to when the track is to be used for the requirements of the caravan park. Councillors Kenneth Hughes and Richard Owain Jones said they were happy with the amendments.

The Legal Services Manager advised that the proposal with regard to notifying the Planning Department when the track is to be used will place an administrative burden on the Planning Service and is likely to be impractical to implement. The Development Control Manager acknowledged the concerns raised in relation to managing the use of the track and the reliance on the receipt of local complaints for information about any breach of conditions. He said that he was happy that the conditions for the use of the track be made more stringent but was doubtful as to whether notifying the Planning Service in advance regarding the use of the track could be administered in practice.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report and subject to restricting the use of the track for the operational requirements of the Caravan Park to 4 hours per day (either a.m. or p.m.) for 5 days per week.

7.4 44C311 – Outline application with some matters reserved for the erection of one dwelling on land adjacent to 4 Council Houses, Rhosgoch

The application was submitted to the Planning and Orders Committee at the request of a Local Member. At its 5th November meeting, the Committee resolved to approve the application contrary to the Officer's recommendation on the basis that it deemed the proposal to be compliant with Policy 50 and that it would not cause unacceptable harm to the appearance and character of the landscape.

The Development Control Manager reported that Officers have real concerns regarding the proposal's adverse effects on the appearance and character of the landscape, and that as such the proposal is contrary to the Development Plan landscape policies and to Policy 50 of the Ynys Môn Local Plan which provides that a proposal should not constitute an undesirable intrusion into the landscape or harm the character and amenities of the locality. The recommendation remains one of refusal.

Councillor Aled Morris Jones spoke in favour of the application as a Local Member and he emphasised that it was made by a local couple who wish to raise a family locally. He said that the

reasons put forward by the Committee for approval are acknowledged as capable of being genuine and material planning reasons. He therefore asked the Committee to adhere to its previous decision of approval.

Councillor Victor Hughes voiced his concerns in relation to the interpretation and implementation of Policy 50 in this instance. He said that settlements are listed within the Policy because they include a closely knit group of at least 10 houses which is not the case in the area of the proposal where there are only 6 houses with 4 of them in a close group. It is the cluster of houses by the Ring Public House on the western side of the train line that meets the policy criteria. A further three houses lie close by on the eastern side of the line and the applicant's familial connection is with one of these properties. He could not therefore see any reasons for proposing to develop within another area of the village on an elevated and prominent site where it will impede on the character of the area. He was also concerned about the size of the development plot and about establishing a precedent if approval was ratified. He proposed that the application be refused in accordance with the Officer's recommendation. Councillor Lewis Davies seconded the proposal of refusal. Councillor Aled Morris Jones clarified that another site had been discounted because it was marshy.

In response to a request by a Member for clarification of whether the proposal falls within a Policy 50 settlement area, the Development Control Manager said that Policy 50 lists settlements but does not designate boundaries for those settlements. In this case, whilst the proposal can be described as being on the edge of the settlement of Rhosgoch, the Officers have concerns regarding other aspects of it.

Councillor Richard Owain Jones proposed that the application be approved as he deemed it to be a matter of interpreting Policy 50 and because a similar application at Mynydd Mechell was approved. Councillor Ken Hughes seconded the proposal on the basis that he believed it satisfies the requirements of Policy 50 and meets a local need for housing. Councillor Nicola Roberts agreed that it was important to support local people.

In the subsequent vote, Councillors Lewis Davies, Victor Hughes and Ann Griffith voted to refuse the application in accordance with the Officer's recommendation. Councillors John Griffith, Ken Hughes, Vaughan Hughes, Richard Owain Jones, Nicola Roberts and W.T. Hughes voted to approve the application contrary to the Officer's recommendation.

It was resolved to reaffirm the Committee's previous decision to approve the application contrary to the Officer's recommendation on the basis that it is deemed to comply with Policy 50 and will not cause unacceptable harm to the appearance and character of the location.

7.5 46C129B/FR - Full application for the placement of rock armour to the front of the existing gabion wall structure at Dinghy Park, Porth Castell, Ravenspoint Road, Trearddur Bay

At its meeting held on 5th November, 2014 the Planning and Orders Committee resolved that a site visit should take place prior to determining the application and that was carried out on 19th November.

Having declared an interest in this application, Councillor Victor Hughes withdrew from the meeting during the consideration thereof.

The Development Control Manager reported that a letter of objection had been received after the written report was drafted which relates more to how the development will be effected than its appearance. The site visit was undertaken to assess the proposal's effect on the coast and on the AONB. The Officer confirmed that the proposal site lies outside the AONB. The key issue is the proposal's effect on the surrounding landscape. It is the Officer's view that the effects of the proposal will be confined to the Porth Diana area and will not be detrimental to the coast in general. The scheme is not an unusual feature in a coastal location. The recommendation is therefore one of approval.

Councillor John Griffith inquired whether it is appropriate to grant permission without first having secured confirmation by the Crown Marine Estate. The Legal Services Manager advised that as the written report confirms that the Crown Marine Estate has been consulted, but has yet to respond, it is in order to proceed to determine the application.

Councillor Lewis Davies proposed that the application be approved and his proposal was seconded by Councillor Ken Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

8 ECONOMIC APPLICATIONS

None were considered by this meeting of the Planning and Orders Committee.

9 AFFORDABLE HOUSING APPLICATIONS

None were considered by this meeting of the Planning and Orders Committee.

10 DEPARTURE APPLICATIONS

10.1 38C275B – Application for the deletion of (ii) “agricultural dwelling” from the planning permission T/1305b together with the retention of a porch extension, associated shed and shelter, septic tank and two vehicular accesses at Pedwar Gwynt, Llanfechell

The application is presented to the Planning and Orders Committee as it is a departure application which the Officer recommends is approved.

The Development Control Manager reported that the application consists of two elements – the acceptability of the unauthorised renovation works undertaken at the dwelling house (the principle of development having been previously established for the site in 1968), and the removal of the restrictions on the occupation of the dwelling to a person employed in agriculture. The statutory consultees have not registered any objections to the works carried out and it is the Officer's view that they will not affect the amenities of any of the neighbouring properties to an extent such as to warrant refusal; neither will they have a detrimental effect on the amenities of the area in terms of siting, design, scale and materials. In relation to the proposed removal of the agricultural occupancy condition, the Planning Authority has doubts regarding the justification for its imposition in the first place and considers that it was never properly applied. The recommendation is therefore to approve the application.

Several Members of the Committee expressed concerns about the breach of regulations that had occurred in this instance and stated that applications to regularise unauthorised development seem to be presenting themselves more frequently which they deemed a weakness in the planning process. The Development Control Manager said that the Welsh Government is undertaking a review of the enforcement system.

Councillor Lewis Davies proposed that the application be refused because of the extent of the infringements and the possibility that approval might set a precedent. Councillor John Griffith seconded the proposal.

Despite having concerns regarding the breach of planning control and the presence of the static caravans on site, Councillor Ken Hughes proposed that the application be approved because he did not believe there were valid planning reasons for refusing it. His proposal was seconded by Councillor Richard Owain Jones. In the subsequent vote, the proposal to approve the application was carried.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

11 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS

11.1 39C552 Full application for alterations and extensions at 114 Penlon, Menai Bridge

The application is presented to the Planning and Orders Committee because the applicant is related to a member of staff within the Planning Department. The application has been scrutinised by the Monitoring Officer as required under section 4.6.10.4 of the Council's Constitution.

Councillor Richard Owain Jones proposed that the application be approved and his proposal was seconded by Councillor Vaughan Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

12 REMAINDER OF APPLICATIONS

12.1 11C623 – Full application for amendments to the existing access together with the creation of hard standing to form a parking area at 1 Council House, Burwen, Amlwch

The application is presented to the Planning and Orders Committee because it is on Council owned land.

Councillor Lewis Davies proposed that the application be approved and his proposal was seconded by Councillor Richard Owain Jones.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

12.2 16C48H – Full application for the retention of a concrete slab together with the erection of an agricultural shed to house livestock and for storage purposes on land at Ger y Bryn, Bryngwran

The application is presented to the Planning and Orders Committee at the request of a Local Member.

Councillor Nicola Roberts proposed that the Committee undertakes a site visit to allow Members to see the site for themselves particularly in light of its planning history. Councillor Richard Owain Jones seconded the proposal.

It was resolved that the application site be visited for the reasons given.

12.3 19C842Y – Full application for the construction of an extension to the consented transport hub including the creation of landscaping and ecological enhancement areas on land Parc Cybi, Holyhead

The application is presented to the Planning and Orders Committee because the applicant has served notice on the Council as part owner of the application site.

The Development Control Manager reported that the proposal is an extension to the transport hub which was given planning consent in 2013 to provide additional 49 HGV parking spaces. The key issues relate to landscape, ecological and traffic considerations. The scheme has been amended to satisfy the statutory consultees and is considered acceptable.

Councillor Nicola Roberts referred to the issue of community benefit raised by the Town Council. The Development Control Manager said that a proposal for community benefit has to be directly and demonstrably linked to the application. In this case there are no clear reasons for requesting community benefit.

Councillor Vaughan Hughes proposed that the application be approved and his proposal was seconded by Councillor Richard Owain Jones.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

12.4 19LAP434C/FR/CC – Full application for the refurbishment of the existing buildings, demolition of the link extension together with the erection of a new two storey extension at Jesse Hughes Community Centre, Holyhead

The application is presented to the Planning and Orders Committee because it is made by the Council on Council owned land.

The Development Control Manager reported that the application is a modification of a scheme approved in September, 2014 under reference 19LPA434B/FR/CC and proposes 20 parking spaces in lieu of 16 spaces previously approved. Whilst these will be closer to the properties at the rear of the site, the proposed extension will now be further away. It is not considered that there will be any adverse impact on residential amenities. A temporary access for construction is also now included. Highways Officers have confirmed they are satisfied with the proposal.

Councillor Trefor Lloyd Hughes confirmed as a Local Member that he had no objections to the proposal but said that he would like to see the temporary access being made permanent.

Councillor Lewis Davies proposed that the application be approved and his proposal was seconded by Councillor Vaughan Hughes.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

12.5 42C61K – Full application for the erection of a dwelling and garage on land at Ty'r Ardd, Pentraeth

The application is presented to the Planning and Orders Committee at the request of a Local Member.

Mr Rhys Davies addressed the Committee in support of the proposal. He said that planning consent to replace an existing residential caravan on site with a permanent dwelling had been granted on appeal so the principle of development is established. He emphasised that the proposed dwelling would be of traditional design and would be built using local materials thus making it sympathetic to its surroundings. He did not consider the proposal with a footprint of 251.50 m sq to be unduly large in the context of a 1 acre plot, and whilst it is approximately 80m sq larger than the appeal proposal, it has reduced in height by 2m.

Members of the Committee sought clarification of Mr Davies regarding details of the scale of the current proposal in comparison with that submitted at appeal.

The Development Control Manager reported that it is the Officer's view that in terms of size and scale the proposal now presented is far removed from that approved at appeal and as such would represent an incongruous feature in the landscape which is identified as an AONB and would be contrary to planning policies.

Councillor Ieuan Williams, a Local Member spoke in favour of the application.

Councillor Vaughan Hughes agreed with the Local Member and said that as regards scale, the proposed dwelling will not be out of keeping with existing properties in and around the area. He proposed that the application be approved and his proposal was seconded by Councillor Nicola Roberts. Councillor Ken Hughes proposed that the application be refused and was seconded by Councillor Lewis Davies. In the subsequent vote, the proposal to refuse was carried.

It was resolved to refuse the application in accordance with the Officer's recommendation for the reasons set out in the written report.

13 OTHER MATTERS

13.1 19C1136A/VAR – Application to vary condition (02) on planning permission 19C1136 (the mobile classroom hereby permitted shall be removed on the land by 07.05.2019) from 5 to 10 years temporary permission for the siting of a mobile building at Ysgol Kingsland, Holyhead

The application was presented to the Planning and Orders Committee as an additional application to the business for which notice had been given.

The Development Control Manager reported that an application to site a mobile building to provide a nursery for a temporary period of 5 years was approved by the Committee in June, 2014. As the proposal is funded by the Welsh Government, it is required to be in place for a period of 10 years. The funding has to be spent by the end of March, 2015 and planning consent granted by the end of the calendar year to allow preparations to be made.

The Chair consented to the application being considered as an urgent matter by reason of the special circumstances pertaining to the application as reported by the Officer. His decision was endorsed by the Committee.

It was resolved to approve the application in accordance with the Officer's recommendation subject to the conditions set out in the written report.

**Councillor W.T.Hughes
Chair**